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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,013	07/31/2000	Cary D. Perttunen	CDP0700	4915

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CARY D. PERTTUNEN
11764 RAINTREE COURT
SHELBY TOWNSHIP, MI 48315

EXAMINER	
CARLSON, JEFFREY D	

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/629,013	Applicant(s) PERTTUNEN, CARY D.	
	Examiner Jeffrey D. Carlson	Art Unit 3622	MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *10-37 and 39-45* is/are pending in the application.

4a) Of the above claim(s) *15,28 and 45* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-14,16-27 and 29-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the paper(s) filed 3/03/04. The Final Rejection mailed 5/17/04 failed to address newly added claims 42-45. This paper now addresses those claims.

Claim 45 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/18/03. The claim is believed to be directed to the nonelected correlation-to-search-expression embodiment (group I).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. As best understood, claims 36-37, 39-41 are alternatively rejected under 35 U.S.C. 102(a) as being anticipated by Culliss. Column 17 teaches providing advertising with search results based on the search term. Regarding claim 40, the system is capable of providing a single search result.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 10-12, 14, 16-25, 27, 29-36, 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss in view of Cohn et al (US6308202).

Regarding claims 10-12, 24, 25, Culliss teaches a user executing a search via a web-based search engine. A web page containing organized links are returned to the user. The HTML page of links is taken to provide programming script which contains variables that define each of the ordered links (such as URLs, link order, link titles) that are read. The user's search activities are recorded [abstract, 5:32-67]. Culliss teaches that the search activity history can be stored as cookies [29:22-30] and that the search activity histories can affect future search result scores and subsequently, the returned results and their order [17:1-34]. In this manner, cookies are provided before the user selects a link of a search hit. Culliss teaches that the links selected by the user are tracked and used to modify future search results. This inherently requires cookie-storage of the specific link information along with user search and selection history. Culliss teaches search results and activity to be tracked using cookies. Culliss teaches to score the search hits as well as the search *selections* [7:10-22]. Cohn et al teaches the idea of showing ads based upon the selected link URL. It would have been obvious

to one of ordinary skill at the time of the invention to have included advertising with the system of Culliss based on the selected link(s) so as to generate revenue.

Regarding claim 23, providing the dynamic web page results (search results based on the latest scores) inherently includes reading of the links, the link information and link order (variables) as it renders a dynamic HTML page of search results for the user. The use of cookies by the ad provider inherently includes at least temporary storage of the cookies in a database/datastore.

Regarding claim 16, 29, the list of search hits/links is taken to be a tree.

Regarding claims 17, 30, 36, 39-41, the ordered list of matches to the user-submitted search terms provides level numbers of the tree; ads targeted to ordered URLs are taken to be targeted to the ordered positioning within the list. The links can be considered to be all at the same level or each at different levels. Applicant's claim language is quite broad - the level(s) can be defined in a variety of ways. Further, Culliss teaches that the system scoring is based upon the relative positioning of the links within the list/tree [16:54-67]. Regarding claims 40, 41, any of the positions represent URLs which can be used as a basis for targeted ads.

Regarding claim 18-22, 31-35, any of the links appearing within the tree/list of results can be taken to be "internal" to the list/tree, as members of the tree/list. Alternatively, the links on the list/tree can be taken as "leaves" on the tree – no structural definition is provided by the claim. The list can simply be taken to be leaves in a list. As best understood, claims 21 and 22 are met by Culliss providing a first link

having links below it as well as a second link having links below it as inherent in the search results list/tree.

Regarding claim 14, 27, it would have been obvious to one of ordinary skill at the time of the invention to have satisfied the advertising requests by reading the cookies to determine URLs.

4. Claims 13, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss in view of Cohn et al and Merriman et al (USUS5948061). Merriman et al teaches customized advertising whereby ad impressions are tracked so that the ad can be shown the appropriate number of times during the ad campaign. It would have been obvious to one of ordinary skill at the time of the invention to have included such ad impression tracking with that of Culliss and Cohn et al. Merriman et al's tracking and updating of the history of the targeted ad displays is taken to update a data structure associated with the ad, based on the variable.

5. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss in view of Cohn et al and Davis et al (US6269361). Davis et al teaches the idea of advertisers paying to affect the placement/order of search results. It would have been obvious to one of ordinary skill at the time of the invention to have included such a component with the scoring and ordering of Culliss' search results, so as to generate additional revenue for the site. Advertisers pay more for higher listings as taught by Davis et al.

6. Claims 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Culliss in view of Cohn et al and www.cookiecentral.com (www.cookiecentral.com/dsc3.htm - Netscape's Communicator third party cookie option foiled – 12/11/1997). The www.cookiecentral.com/dsc3.htm reference document was pulled from the 12/11/1997 cache of the cookiecentral site at www.archive.org. www.cookiecentral.com teaches that a content website can be provided with customized advertising from a third party advertiser. This can be provided by the use of third-party cookies set by the advertising server for the user visiting the content page. Official Notice is taken that cookies set by a particular domain can only be read by servers from that domain. It would have been obvious to one of ordinary skill at the time of the invention to have provided the proposed advertising for claim 10 via a third party advertising service so that the search engine entity could focus its efforts on its core business of providing search results and outsource its advertising services to such a third party. In this case, third party cookies used to delivery customized advertising would be readable by the third party ad server and not readable by the search engine or the content sites hosting the resources represented by the "search hits."

Response to Arguments

7. Applicant's arguments filed 3/3/04 have been fully considered but they are not persuasive. Applicant argues that the cookies are processed before any links are

selected by the user. As stated above, the historical component of Culliss' tracking provides cookie processing before subsequent links are selected.

Applicant argues that Culliss does not teach the ad server to provide cookies in a database. However, handling of cookies necessarily requires at least temporary storage of cookie data in a datastore/database by the server.

Applicant argues that the examiner's definition of internal and leaf are inconsistent with convention/specification. It is noted that the listing of Culliss's links can be described in many different manners in terms of hierarchy, leaf/internal node, ancestry, etc as needed. All the links can be considered to be at the same "level," or at different nested "levels", for example. Culliss need not indicate any particular hierarchy.

Applicant argues that Cohn et al requires advertising independent of the user. However, the teachings of Culliss are modified by Cohn et al. Culliss provides user-specific tracking via cookies.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

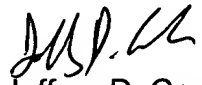
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 703-308-3402. The examiner can normally be reached on Mon-Fri 8:30-6p, (off on alternate Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey D. Carlson
Primary Examiner
Art Unit 3622

jdc